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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,005	02/19/2002	Jeffrey R. Oar	10006644-1	1271

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EXAMINER

PATEL, ANAND B

ART UNIT

PAPER NUMBER

2116

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/081,005	OAR ET AL.
	Examiner	Art Unit
	Anand Patel	2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 June 2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 23-31 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 23-31 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

1. Applicant's amendment filed 6/20/05 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 23-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No 6785724 to Drainville et al (Drainville), in view of US Patent No 6317831 to King.

- As per claim 23, Drainville discloses a method by which a portable computer in a sleep mode (22) responds to a communication from the client, the method comprising the following:
 - Waking the portable computer from the sleep mode in response to the communication (column 1, lines 62-64);
 - Recognizing the communication by the portable computer (inherent given the computer responding to the communication);
 - Responding to the communication by the portable computer, including the following:
 - Generating a response (column 2, lines 25-31), and
 - Transmitting the response to the client, the transmitting being performed via another communication transmission (column 2, lines 25-31); and,

- Returning the portable computer to the sleep mode (column 6, lines 37-40; the phone tap method described in column 6, lines 3-13 is a method of waking the server, thus the system is inherently put to sleep after the client request has been answered).

Drainville fails to disclose a personal digital assistant. King teaches communication that is a wireless communication from a personal digital assistant (column 15, lines 52-54).

An advantage of the system taught by King is a quickly achieved secure connection (column 4, lines 61-66). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Drainville by King. Motivation to combine is the ability to quickly create a secure connection.

- As per claim 24, King teaches a method wherein the transmission of the response by the portable computer is made directly to the personal digital assistant via a wireless network (figure 9).
- As per claim 25, Drainville teaches a method wherein the communication is an access by the client into a database within the portable computer (column 1, lines 62-64; column 2, lines 25-31). Drainville fails to teach a personal digital assistant. King teaches communication that is a wireless communication from a personal digital assistant (column 15, lines 52-54).
- As per claim 26, Drainville discloses a method by which a portable computer in a sleep mode (22) responds to a communication from the client, the method comprising the following:
 - Waking the portable computer from the sleep mode in response to the communication (column 1, lines 62-64);

- Recognizing the communication by the portable computer (inherent given the computer responding to the communication);
- Performing an action in response to the communication by the client (column 2, lines 25-31);
- Returning the portable computer to the sleep mode (column 6, lines 37-40; the phone tap method described in column 6, lines 3-13 is a method of waking the server, thus the system is inherently put to sleep after the client request has been answered).

Drainville fails to disclose a personal digital assistant. King teaches communication that is a wireless communication from a personal digital assistant (column 15, lines 52-54).

- As per claim 27, King teaches a method wherein the wireless communication is performed via a wireless network (904).
- As per claim 28, Drainville teaches a method wherein the communication is an access by the client into a database within the portable computer (column 1, lines 62-64; column 2, lines 25-31). Drainville fails to teach a personal digital assistant. King teaches communication that is a wireless communication from a personal digital assistant (column 15, lines 52-54).
- As per claim 29, Drainville discloses storage media, the storage media storing software which when executing on a portable computer (22) performs a method by which the portable computer responds to a communication from a client, the method comprising the following:
 - Waking the portable computer from the sleep mode in response to the communication (column 1, lines 62-64);

- Recognizing the communication by the portable computer (inherent given the computer responding to the communication);
- Performing an action in response to the communication by the client (column 2, lines 25-31);
- Returning the portable computer to the sleep mode (column 6, lines 37-40; the phone tap method described in column 6, lines 3-13 is a method of waking the server, thus the system is inherently put to sleep after the client request has been answered).

Drainville fails to disclose a personal digital assistant. King teaches communication that is a wireless communication from a personal digital assistant (column 15, lines 52-54).

- As per claim 30, King teaches a storage media wherein the wireless communication is performed via a wireless network (904).
- As per claim 31, Drainville teaches a storage media wherein the communication is an access by the client into a database within the portable computer (column 1, lines 62-64; column 2, lines 25-31). Drainville fails to teach a personal digital assistant. King teaches communication that is a wireless communication from a personal digital assistant (column 15, lines 52-54).

Response to Arguments

4. Applicant's arguments filed 6/20/05 have been fully considered but they are not persuasive.
5. Applicant argues that the remote device of Drainville is not a portable computer. Examiner disagrees. Remote device is an on-demand web server. Although it is not intended to be moved

often, the computer is still portable because it is capable of being moved. Thus the remote device can be considered a portable computer.

6. Applicant argues that Drainville does not teach being awakened in response to a wireless communication from a personal digital assistant. Examiner partially agrees. Drainville teaches being awakened in response to a wireless tap (column 6, lines 9-13) from a client. Drainville does not teach that client being a personal digital assistant. King teaches a personal digital assistant which is capable of wireless communication and could be used as a client. Thus the combination of Drainville and King teach the computer being awakened in response to a wireless communication from a personal digital assistant.

7. Applicant argues that Drainville cannot be modified by King. Examiner disagrees. King teaches the system for use in narrowband channels as well as one-way data channels (column 3, lines 25-27). In addition, the security of the connection achieved by King would be an advantage over a system that communicates over insecure lines and is vulnerable to attack. The ability to quickly establish a connection would be an advantage when trying to access a remote device, as would be communicating via a secure connection.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Patel whose telephone number is (571) 272-7211. The examiner can normally be reached on Mon-Fri 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ABP


Anand Patel